Remarks

As a preliminary matter, Applicant respectfully requests that an initialed and signed copy of the PTO 1449, filed on September 3, 2008, be forwarded to the Undersigned in due course.

In response to the Final Office Action mailed November 26, 2008 (hereinafter "Office Action"), claims 29 and 65 have been amended. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. Therefore, claims 29, 30, 32, 33, 35, 36, 38, 41-56 and 58-88 are currently presented for examination of which claims 1 and 65 are sole independent claims.

In view of the foregoing amendments and the following comments, allowance of all the claims pending in the application is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

A.   Claims 29, 30, 35, 36, 38, 41-49, 52-56, 58-61, 63, 65-74, 77-85 and 87 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,206,778 to Bode *et al.* ("Bode") in view of U.S. Patent Application Publication No. 2001/0049688 to Fratkina *et al.* ("Fratkina") and further in view of an article entitles "Evaluating Expertise Recommendations" by David W. McDonald ("McDonald").

Applicants traverse these rejections for at least the reason that none of Bode, Fratkina or McDonald, whether taken alone or in reasonable combination, teaches each and every element of the claims, including the features noted below.

Claim 29 recites, among others, the features of:

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automatically monitoring, via the first interface, a communication between a user associated with the remote client and at least one other individual;

automatically filtering, *in real-time during the communication*, one or more topic words appearing in the monitored communication that define a context or one or more key topics of the communication;

automatically searching the at least one data source *in real-time during the communication* using one or more topic words to generate search results for information relevant to the context or the one or more key topics of the communication; and

automatically providing search results to said user *in real-time during the communication*.

Claim 65 recites, among others, the features of:

automatically monitoring a communication between a user and at least one other individual;

automatically filtering, *in real-time during the communication*, one or more topic words appearing in the monitored communication that define a context or one or more key topics of the communication;

automatically searching the at least one data source *in real-time during the communication* using one or more topic words to generate search results for information relevant to the context or the one or more key topics of the communication; and

automatically providing search results to said user *in real-time during the communication*.

Bode fails to teach or suggest the feature of "filtering ... one or more topic words appearing in the monitored communication." The relied-upon passage of Bode discloses that "taxonomy types include ... filter taxonomies (in which concept nodes 205 classify metadata about content that is not derivable solely from the content itself)". [Bode, col. 5, lines 7-12]. As such, the relied-upon passage of Bode appears to describe filter taxonomies as certain types of organized content to be searched or a certain manner for organizing contents to be searched. However, there is no depiction of filtering topic words in the relied-upon passage.

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The Examiner has conceded that Bode fails to disclose monitoring "a communication *between a user* associated with the remote client and at least one other individual." [Office Action, pg. 12, emphasis in original]. On the other hand, the Examiner alleges that Bode discloses the feature of "automatically monitoring the communication between two humans." [Office Action, pg. 6]. In particular, the Examiner has alleged that Bode teaches "a CRM system (automated or 'manned' by a customer service representative) that obtains contextual information from a user 'during the dialog session'." and performs a search/retrieval of information on a knowledge container based on the information obtained from a 'dialog interaction' between the user and the CRM system." [Office Action, pgs. 6-7].

However, as to communication between humans, Bode merely discloses that "a user may place a telephone call to an application engineer or other service personnel." [Bode, col. 1, lines 61-65]. This is not an indication that the dialog engine 435 may monitor communication between the user 420 and a customer services personnel. Accordingly, Applicants submit that Bode fails to teach or suggest automatically monitoring a communication between a user and at least one other individual, much less the claimed features of "automatically filtering, in real-time during the communication, one or more topic words ..., automatically searching the at least one data source in real-time during the communication ... and, automatically providing search results to said user in real-time during the communication.

The Examiner has alleged that Fratkina discloses a "system for retrieving information through the use of a multi-stage interaction with a client to identify particular knowledge content associated with a knowledge map", and specifically discloses "a communication

between a user associated with the remote client *and at least one other individual* [Figs. 19-21]

(e.g., Escalation causing a "live chat" type of interaction with a human to appear within the

user's web browser …) [0225]. [Office Action, pg. 12, emphasis in original].

Applicants disagree with the Examiner's assertion because Fratkina makes no mention

or suggestion whether the system (e.g., dialog engine 232) monitors any communication

between a user and the human service representative. The mere fact that the human service

representative appears to be able to converse with the user is not an indication that Fratkina

monitors such communication.

In addition, McDonald does not overcome the deficiencies of Bode and Fratkina, either.

As argued by Applicants in response to non-Final Office Action dated July 23, 2008, while

McDonald may teach that the heuristic is used with a technical support database and that

incoming calls may be automatically assigned to an appropriate tech support representative [*see*

Section 3.1.2], it appears that incoming calls are assigned after the calls have been entered in the

system by the customer support rep. [*Id.* (("*New problems ("calls") can be entered by a support*

rep or by customers via email."), *emphasis added*].   Indeed, McDonald also notes:

> The support database was not designed to facilitate the activity of
> the teach support heuristic. Each query (symptom, customer or
> program) must be completed separately. *Finding similarities*
> *among the three primary characteristics is mostly done in the*
> *support representative's   head*.
>
> [*Id.*, *emphasis added*].

Thus, like Bode and Fratkina, McDonald does not teach automatically monitoring the

communication between the user and at least one individual, and automatically providing

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search results based on the topic word or key topic of the monitored communication. Further, the Examiner's alleged motivation for the combination of Bode, Fratkina and McDonald also mischaracterizes Applicant's claimed invention. Rather than "**recommending [human] individuals who have expertise**," as alleged by the Examiner [Office Action, pg. 9, *emphasis added*], Applicant's claimed invention <u>automatically monitors</u> a communication <u>between human</u> individuals, and automatically provides search results based on topic words or key topics of the monitored communication.

For *at least* the foregoing reasons, the rejection of independent claims 29 and 65 under 35 U.S.C. § 103(a) over Bode in view of Fratkina and further in view of McDonald is improper and should be withdrawn. Other arguments may exist but the foregoing is deemed sufficient to overcome the rejection. All arguments that could be made are reserved. Dependent claims 30, 35, 36, 38, 41-49, 52-56, 63, 66-74, 77-85 and 87 are patentable because they depend from independent claims 29 and 65, as well as for the further features they recite individually.

The Examiner alleged that the claimed features of "automatically monitoring, ... automatically searching, ... automatically providing search results" are well-known to one of ordinary skill in the art. To support this argument, the Examiner invited Applicants to review U.S. Patent 6,718,366 (Beck). [Office Action, pg. 9].

However, Applicants submit that the Examiner has failed to make a *prima facie* case of unpatentability. "[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d

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1443, 1445 (Fed. Cir. 1992). "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR* Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1732 (2007). As such, if the Examiner intends to rely on Beck, Applicants requests that the Examiner to indicate articulated reasoning to establish *prima facie* case of obviousness.

Applicants note that assuming *arguendo* that it were legally proper to combine Beck with Bode, Fratkina and/or McDonald, Beck fails to overcome the above-mentioned deficiencies of Bode, Fratkina and/or McDonald. In particular, Beck fails to teach or suggest the claimed features of "automatically filtering, in real-time during the communication, one or more topic words ..., automatically searching the at least one data source in real-time during the communication ... and, automatically providing search results to said user in real-time during the communication.

B.   Claim 32 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bode in view of Fratkina and in further view of McDonald and in further view of U.S. Patent No. 6,976,018 to Teng *et al.* ("Teng"). Claim 33 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bode in view of Fratkina and in further view of McDonald and in further view of U.S. Patent No. 7,185,001 to Burdick *et al.* ("Burdick"). Claims 50, 51, 75 and 76 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bode in view of Fratkina and in further view of McDonald and further in view of the Official Notice taken. Claims 62, 64, 86 and 88 were rejected under 35 U.S.C. § 103(a) as allegedly being

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unpatentable over Bode in view of Fratkina and in further view of McDonald and in further view of U.S. Patent No. 5,873,056 to Liddy *et al.* ("Liddy"). Applicant traverses these rejections for at least the following reasons.

Assuming arguendo that it were also legally proper to combine and/or modify the combination of Bode, Fratkina and Burdick with Teng, Burdick, and/or Liddy (which Applicant does not concede), neither Teng, Burdick, nor Liddy, overcome the deficiencies of Bode and Fratkina with regard to independent claims 29 and 65.

For example, Teng, Burdick, Liddy and the Official Notice taken make no mention or suggestion of automatically monitoring, via the first interface, a communication between a user associated with the remote client and at least one other individual, much less automatically filtering one or more topic words appearing in the monitored communication to determine a context or key topics of the communication; and automatically searching the at least one data source for information relevant to the context or key topics of the communication.

For *at least* the foregoing reasons, the rejections of dependent claims 32, 33, 50, 51, 66, 64, 75, 76, 86 and 88 under 35 U.S.C. § 103(a) are improper and should be withdrawn.

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Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: __February 26, 2009__

By:

Respectfully submitted,

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